

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE NUTRISYSTEM, INC. : CIVIL ACTION  
DERIVATIVE LITIGATION :  
This document relates to: : NO. 07-4565  
All Actions : MASTER FILE

ORDER

AND NOW, this 26th day of October, 2009, upon  
consideration of the Defendants' Motion to Dismiss (Docket No.  
21), and the response and reply thereto, IT IS HEREBY ORDERED,  
for the reasons set out in a Memorandum of today's date, that the  
Motion is GRANTED and the verified shareholder derivative  
complaint in the above-captioned matter (Docket No. 16) is  
DISMISSED.

The Clerk of Court shall mark this case as closed.

BY THE COURT:

/s/ Mary A. McLaughlin  
MARY A. McLAUGHLIN, J.